

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference <b>S 2004/03</b>	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. <b>PCT/EP2005/050232</b>	International filing date ( <i>day/month/year</i> ) <b>20 January 2005 (20.01.2005)</b>	Priority date ( <i>day/month/year</i> ) <b>23 January 2004 (23.01.2004)</b>
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant <b>SOLVAY (Société Anonyme)</b>		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report <b>24 July 2006 (24.07.2006)</b></p> <p>Authorized officer  <b>Ellen Moyse</b></p> <p>e-mail: pt05@wipo.int</p>
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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 12 APR 2005

PCT

PCT

To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/EP2005/050232

International filing date (day/month/year)  
20.01.2005

Priority date (day/month/year)  
23.01.2004

International Patent Classification (IPC) or both national classification and IPC  
C08K3/26, C08K9/04, C09C1/02, C09K3/10, C09D7/12, C01F11/18

Applicant  
SOLVAY (SOCIETE ANONYME)

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Von Kuzenko, M

Telephone No. +49 89 2399-8605



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2005/050232

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the International application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material:  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing:  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2005/050232

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, Inventive step or  
Industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-9
Inventive step (IS)	Yes: Claims	
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2005/050232

cf V

D1: DE-A-2 411 219  
D2: GB-A-1 328 361  
D3: DE-B-1 292 374  
D4: WO-A-02/55 596

1. Claim 1 discloses particles comprising a core of calcium carbonate and a coating covering at least part of the surface of the core, the coating being carried out in at least two distinct consecutive steps, each step using different coating agent.  
Claim 2 discloses compounds to be used as coating agent.
2. Documents D1 to D4 disclose calcium carbonate particles which have been coated by a two step process according to claim 1.  
Therefore the subject-matter of claim 1 does not meet the requirements of Art. 33(2) PCT.  
Documents D1 to D3 disclose also coating agents which are comprised by claim 2.  
Art. 33(2) PCT.
3. The concept of coating calcium carbonate particles in a two step process is already state of the art.  
Hence claims 1 to 9 do not meet the requirements of Art. 33(3) PCT.



**To the European Patent Office**  
**Entry into the European phase (EPO as designated or elected Office)**

European application number	EP05701566.1
PCT application number	PCT/EP2005/050232
PCT publication number	WO2005071003
Applicant's or representative's reference	S 2004/03
<b>1. Applicant</b> Particulars of the applicant(s) are contained in the international publication or were recorded by the International Bureau subsequent to the international publication. Changes which have not yet been recorded by the International Bureau are set out here: Address for correspondence	<input checked="" type="checkbox"/>  <input type="checkbox"/>
<b>2. Representative 1</b> This is the representative who will be listed in the Register of European Patents and to whom notifications will be made Name Registration No Address of place of business   Telephone Fax e-mail Any additional representative(s) is/are listed here:	VANDE GUCHT, Ms Anne 100038980 SOLVAY (Société Anonyme) Intellectual Property Department Ruc de Ransbeck, 310 BRUXELLES, 1120 Belgium 32 2 264 2206 32 2 264 2955 anne.vandegucht@solvay.com <input checked="" type="checkbox"/> JACQUES, Mr Philippe MROSS, Mr. Stefan GILLIARD, Mr. Pierre
<b>3. General Authorisation:</b> An individual authorisation is attached. A general authorisation has been registered under No:  A general authorisation has been filed, but not yet registered. The authorisation filed with the EPO as PCT receiving Office expressly includes the European phase.	<input type="checkbox"/> <input checked="" type="checkbox"/> 46764 <input type="checkbox"/> <input type="checkbox"/>
<b>4. Request for examination</b> Examination of the application under Art. 94 EPC is hereby requested. The examination fee is being (has been, will be) paid. Request for examination in an admissible non-EPO language:	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  Verzocht wordt om onderzoek van de aanvraag als bedoeld in Art. 94.
<b>5. Copies</b> One or more additional sets of copies of the documents cited in the supplementary European search report are hereby requested.	<input type="checkbox"/>

Number of additional sets of copies	
<b>6. Documents intended for proceedings before the EPO</b>	
6.1 Proceedings before the EPO as designated Office (PCT I) are to be based on the following documents:	
the application documents published by the International Bureau (with all claims, description and drawings), where applicable with amended claims under Art. 19 PCT unless replaced by the amendments attached.	<input checked="" type="checkbox"/>
<i>Where necessary, clarifications should be attached as 'Other Documents'</i>	<input type="checkbox"/>
6.2 Proceedings before the EPO as elected Office (PCT II) are to be based on the following documents:	
the documents on which the international preliminary examination report is based, including any annexes	<input type="checkbox"/>
unless replaced by the amendments attached.	<input type="checkbox"/>
<i>Where necessary, clarifications should be attached as 'Other Documents'</i>	
If the EPO as International Preliminary Examining Authority has been supplied with test reports, these may be used as the basis of proceedings before the EPO.	<input type="checkbox"/>
<b>7. Translations</b>	
Translations in one of the official languages of the EPO (English, French, German) are attached as crossed below:	<input type="checkbox"/>
<i>* In proceedings before the EPO as designated or elected Office (PCT I + II):</i>	
Translation of the international application (description, claims, any text in the drawings) as originally filed, of the abstract as published and of any indication under Rule 13bis.3 and 13bis.4 PCT regarding biological material	<input type="checkbox"/>
Translation of the priority application(s)	<input type="checkbox"/>
It is hereby declared that the international application as originally filed is a complete translation of the previous application (Rule 38(5) EPC)	<input type="checkbox"/>
<i>* In addition, in proceedings before the EPO as designated Office (PCT I):</i>	
Translation of amended claims and any statement under Art. 19 PCT, if the claims as amended are to form the basis for the proceedings before the EPO (see Section 6).	<input type="checkbox"/>
<i>* In addition, in proceedings before the EPO as elected office (PCT II):</i>	
Translation of annexes to the international preliminary examination report	<input type="checkbox"/>
<b>8. Biological material</b>	
The invention relates to and/or uses biological material deposited under Rule 28 EPC.	<input type="checkbox"/>
The particulars referred to in Rule 28(1)(c) EPC (if not yet known, the depository institution and the identification reference(s)) [number, symbols, etc.] of the depositor are given in the international publication or in the translation submitted under Section 7 on:	<input type="checkbox"/>
page(s) / line(s)	
A copy of the receipt(s) of deposit issued by the depository institution is attached	<input type="checkbox"/>
will be filed at a later date	<input type="checkbox"/>
A waiver of the right to an undertaking from the requester pursuant to Rule 28(3) EPC is attached.	<input type="checkbox"/>
<b>9. Nucleotide and amino acid sequences</b>	
The items required under Rules 5.2 and 13ter PCT and Rule 111(3) EPC have already been furnished to the EPO.	<input type="checkbox"/>
The sequence listing as part of the description is attached in PDF format.	<input type="checkbox"/>
The sequence listing does not include matter that goes beyond the content of the application as filed.	<input type="checkbox"/>
In addition, the sequence listing data is attached in computer-readable form in accordance with WIPO Standard 25.	<input type="checkbox"/>
The sequence listing data in computer-readable form in accordance with WIPO Standard 25 is identical to the sequence listing in PDF format.	<input type="checkbox"/>
<b>10. Designation fees</b>	
10.1 It is currently intended to pay seven times the amount of the designation fee. The	<input checked="" type="checkbox"/>

designation fees for all the EPC contracting states designated in the international application are thereby deemed to have been paid (Art. 2 No. 3 RFees). AT BE BG CH&LI CY CZ DE DK EE ES FI FR GB GR HU IE IS IT LT LU MC NL PL PT RO SE SI SK TR				
10.2 It is currently intended to pay fewer than seven designation fees for the following EPC contracting states designated in the international application:		<input type="checkbox"/>		
10.3 It is requested that no communication under Rules 85a(1) or 69(1) need be notified in respect of the contracting states not indicated. If an automatic debit order has been issued, the EPO is authorised, on expiry of the basic period under Article 79(2), to debit seven times the amount of the designation fee. If less than seven states are indicated, the EPO shall debit designation fees only for those states, unless it is instructed to do otherwise before expiry of the basic period.		<input checked="" type="checkbox"/>		
<b>11. Extension of the European patent</b> This application is also considered as being a request for extension to all the non-contracting states to the EPC designated in the international application with which "extension agreements" were in force on the date of filing the international application. However, the extension only takes effect if the prescribed extension fee is paid. It is currently intended to pay the extension fee for the following states:		<input checked="" type="checkbox"/>		
<b>12. List of enclosed documents</b>				
	Description of document	Original file name	Assigned file name	
<b>13. Automatic debit order</b> Currency The European Patent Office is hereby authorised, under the Arrangements for the automatic debiting procedure, to debit from the deposit account any fees and costs falling due. Deposit account number Account holder		<input checked="" type="checkbox"/> EUR  28020006 SOLVAY (Société Anonyme)		
<b>14. Reimbursements (if any) should be made to the following EPO deposit account:</b> Number and account holder		<input checked="" type="checkbox"/> SOLVAY (Société Anonyme), 28020006		
<b>15. Fees</b>				
		Factor/Reduction applied	Fee schedule	Amount to be paid
15-1	002e Fee for supplementary European search for applications filed before 01.07.2005	0	720.00	0.00
15-2	005 Designation fee	7	80.00	560.00
15-3	006e Examination fee (Euro-PCT without supplementary European search report)	0.8	1 490.00	1 192.00
15-4	015 Claims fee	0	45.00	0.00
15-5	020 Basic national fee for an international application	1	95.00	95.00
15-6	033 Renewal fee for the 3rd year	1	400.00	400.00
Total:			EUR	2 247.00
<b>16. Annotations</b> 16-1. Note (for EPO) (EP Phase)		General Authorization (; 13.07.2006) For Employees (Art. 133(3) EPC) having a General Authorization : Maryse GRANVILLE - General Authorization 46764 Jean-François SERRIER - General Authorization 46764		
<b>17. Signature(s) of applicant(s) or representative</b>				

Place:

Brussels

Date:

13 July 2006



Signed by:

**BE, Solvay S.A., P. Jacques 7578**

Capacity:

**(Representative)**



Europäisches  
Patentamt

European  
Patent Office

Office européen  
des brevets

### Acknowledgement of receipt

We hereby acknowledge receipt of the form for entry into the European phase (EPO as designated or elected Office) as follows:

Submission number	138422	
PCT application number	PCT/EP2005/050232	
Date of receipt	13 July 2006	
Receiving Office	European Patent Office, The Hague	
Your reference	S 2004/03	
Applicant		
Country		
Documents submitted	package-data.xml ep-euro-pct.xml	epf1200.pdf (4 p.) application-body.xml
Submitted by	BE, Solvay S.A., P. Jacques 7578 Subject: BE, Solvay S.A., P. Jacques 7578; Issuer: , European Patent Office, European Patent Office CA	
Method of submission	Online	
Date and time receipt generated	13 July 2006, 16:42:18 (CEST)	
Digest	C9:7E:2A:DF:7B:C6:8E:63:AE:96:EC:32:03:1A:E5:13:49:C8:69:8E	

/European Patent Office/



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Europäisches  
Patentamt

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Patent Office

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des brevets

Generaldirektion 1

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Direction générale 1

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EPO Customer Services

Tel.: +31 (0)70 340 45 00

Date

08.06.06

Reference	Application No./Patent No. 05701566.1 - 2102 PCT/EP2005050232
Applicant/Proprietor Solvay SA	

#### Entry into the European phase before the European Patent Office

**These notes describe the procedural steps required for entry into the European phase before the European Patent Office (EPO). You are advised to read them carefully: failure to take the necessary action in time can lead to your application being deemed withdrawn.**

1. The above-mentioned international patent application has been given European application No. **05701566.1**.
2. Applicants **without** a residence or their principal place of business in an EPC contracting state may themselves initiate European processing of their international applications, provided they do so before expiry of the 31st month from the priority date (see also point 6 below).

**During the European phase before the EPO as designated or elected Office, however, such applicants must be represented by a professional representative (Arts. 133(2) and 134(1), (7) EPC).**

Procedural acts performed after expiry of the 31st month by a professional representative who acted during the international phase but is not authorised to act before the EPO have no legal effect and therefore lead to loss of rights.

**Please note that a professional representative authorised to act before the EPO and who acted for the applicant during the international phase does not automatically become the representative for the European phase. Applicants are therefore strongly advised to appoint in good time any representative they wish to initiate the European phase for them; otherwise, the EPO has to send all communications direct to the applicant.**

3. Applicants **with** a residence or their principal place of business in an EPC contracting state are not obliged to appoint, for the European phase before the EPO as designated or elected Office, a professional representative authorised to act before the EPO.  
**However, in view of the complexity of the procedure it is recommended that they do so.**
4. Applicants and professional representatives are also strongly advised to initiate the European phase using EPO Form 1200 (available free of charge from the EPO). This however is not compulsory.



5. **To enter the European phase before the EPO, the following acts must be performed.**  
(N.B.: Failure validly to do so will entail loss of rights or other adverse legal consequences.)
- 5.1 If the EPO is acting as **designated or elected Office** (Arts. 22(1)(3) and 39(1) PCT respectively), applicants must, within 31 months from the date of filing or (where applicable) the earliest priority date:
- a) Supply a translation of the international application into an EPO official language, if the International Bureau did not publish the application in such a language (Art. 22(1) PCT and R. 107(1)(a) EPC).  
**If the translation is not filed in time, the international application is deemed withdrawn before the EPO (R. 108(1) EPC).**  
This loss of rights is deemed not to have occurred if the translation is then filed within a two-month grace period as from notification of an EPO communication, provided a surcharge is paid at the same time (R. 108(3) EPC).
  - b) Pay the national basic fee (EUR 170,00) and, where a supplementary European search report has to be drawn up, the search fee (EUR 720,00 ; R. 107(1)(c) and (e) EPC).
  - c) If the time limit under Article 79(2) EPC expires before the 31-month time limit, pay the designation fee (EUR 80,00) for each contracting state designated (R. 107(1)(d) EPC).
  - d) If the time limit under Article 94(2) EPC expires before the 31-month time limit, file the written request for examination and pay the examination fee (EUR 1490,00 ; R. 107(1)(f) EPC).
  - e) Pay the third-year renewal fee (EUR 400,00) if it falls due before expiry of the 31-month time limit (R. 107(1)(g) EPC).
- If the fees under (b) to (d) above are not paid in time, or the written request for examination is not filed in time, the international application is deemed withdrawn before the EPO, or the contracting-state designation(s) in question is (are) deemed withdrawn (R. 108(1) and (2) EPC). However, the fees may still be validly paid within a two-month grace period as from notification of an EPO communication, provided the necessary surcharges are paid at the same time (R. 108(3) EPC). For the renewal fee under (e) above, the grace period is six months from the fee's due date (Art. 86(2) EPC).
- For an overview of search and examination fees, see OJ EPO 11/2005, 577 and 03/2006.
- 5.2 If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee is payable within the 31-month time limit under Rule 107(1) EPC for the eleventh and each subsequent claim (R. 110(1) EPC). The fee can however still be paid within a one-month grace period as from notification of an EPO communication pointing out the failure to pay (R. 110(2) EPC).
6. If the applicant had a representative during the application's international phase, the present notes will be sent to the representative, asking him to inform the applicant accordingly.
- All subsequent communications will be sent to the applicant, or - if the EPO is informed of his appointment in time - to the applicant's European representative.**



Date

Sheet 3

Application No. 05701566.1

7. For more details about time limits and procedural acts before the EPO as designated and elected Office, see the EPO brochure

How to get a European patent  
Guide for applicants - Part 2  
PCT procedure before the EPO - "Euro-PCT"

This brochure, the list of professional representatives before the EPO, Form 1200 and details of the latest fees are now all available on the Internet under

<http://www.european-patent-office.org>

Receiving section

